



How to Finish Your Minnesota Divorce with Children: *when you and your spouse Agree on all issues*

Need one-on-one help?

Some courts have designated staff or volunteer attorney programs to help explain forms and court procedures. To see if your Minnesota court has this service, go to www.mncourts.gov/selfhelp.

Follow these Steps when spouse agree on all issues:

1. Check the forms I-CAN! printed for you.

You should have these forms:

- *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree*
- *Default Scheduling Request*
- *Affidavit of Non-Military Service*
- *Affidavit of Service by Mail* (Used at **Step 10**)
- *Certificate of Dissolution*

2. Make sure everything on your forms is correct.

Carefully read the *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree* (“*Stipulation*”) with all of your answers. If there are any mistakes or you and your spouse want to make changes, go back to I-CAN! and make your changes and reprint the *Stipulation* form and any other forms that needed to be corrected. If you need to change something and the change is small, you may use white-out correction fluid and print neatly to correct the forms.

If you reprint the forms, read them again. It is very important to carefully check all forms for accuracy.

IMPORTANT UPDATE: Please read through your *Stipulation* (and any attachments, if applicable), look for any partial account numbers (these could be financial account numbers, retirement, or life insurance account numbers), and black them out as explained in the “**How to Start a Divorce with Children in Minnesota**” instructions that you previously printed from I-CAN! (you can print them again if necessary). If there are accounts in the *Stipulation* that were not previously included in your *Petition*, get another *Form 11.1 Confidential Information Form*. Put only the additional accounts on the new *Form 11.1 Confidential Information Form*. You can get another *Form 11.1 Confidential Information Form* by going to www.mncourts.gov/forms and selecting the “Confidential Information” category. Be sure to completely black out all partial account numbers on your *Stipulation*. Partial account numbers should only be on a *Form 11.1*.

3. Sign the forms.

As Petitioner, you sign:

- ☐ *Stipulation* (on second to last page.) You must sign this in front of a notary or court administrator.
- ☐ Petitioner's *Waiver of Counsel* (last page of the *Stipulation*)

- ☐ *Affidavit of Non-Military Status*. You must sign this in front of a notary or court administrator.
NOTE: If your spouse is on active duty in the military, you cannot sign this form. Instead, your spouse must include a written waiver of his/her rights under the Servicemembers Civil Relief Act.
- ☐ *Default Scheduling Request*

As Respondent, your spouse signs:

- ☐ *Stipulation* (on second to last page.) Your spouse must sign this in front of a notary or court administrator.
- ☐ Respondent's *Waiver of Counsel* (last page of the *Stipulation*)
NOTE: The above forms must be dated and signed after your spouse was served with your *Summons* and *Petition*.

4. Education Classes.

The court may require you, your spouse, and your children to attend divorce education classes. Go to the class before you file your forms with the court to finish your divorce.

5. Make copies for your records.

You need:

- 1 copy of the *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree*
- 1 copy of the *Default Scheduling Request*
- 1 copy of the *Affidavit of Non-Military Service*

6. File forms with the court.

Go to the Courthouse and file:

- Original *Stipulated Findings of Fact*
- Original *Default Scheduling Request*
- Original *Affidavit of Non-Military Service*
- Original *Certificate of Dissolution* (*this form is optional)

* The *Certificate of Dissolution* is a form that is signed by the judge that can be used to prove that you are divorced and can also be used to provide evidence of a legal name change. Some people do not like providing an entire copy of their divorce decree as proof of a name change because it has financial information that is not necessary to providing evidence of divorce or to change a name.

The court administrator can tell you how your court hearing date will be set.

7. Go to your hearing.

If you miss your hearing, your divorce will not be final. Before your hearing, please read the section below called **Get Ready for Court**. We strongly recommend that both you and your spouse go to the hearing. If the judge has any questions about your *Stipulation* or finds any problems, the judge may be able to resolve the problem at the hearing if both you and your spouse are there to answer questions.

8. Wait to hear from the court.

You are not divorced until the judge signs your divorce decree AND the court administrator “enters” the decree. The court will send you a letter when your divorce is final.

9. Get a copy of your divorce decree.

When you know that your divorce is final, you may wish to get a “**certified**” copy of your divorce *Decree* as well as a “**certified**” copy of the *Certificate of Dissolution* from the court's records department. There is a fee for the copies. Keep them safe with your other important papers.

10. Serve a copy of the divorce decree on your spouse.

One of the last paragraphs in your divorce *Decree* orders you to serve your spouse, the Respondent, with a copy of the *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree*. Your divorce *Decree* tells you the way you must serve your spouse. The copy served on your spouse must have the signature of the Judge, and the stamp of the Court Administrator showing the date judgment was entered. The copy for your spouse does not have to be a certified copy.

Someone other than you must serve your spouse and fill out the *Affidavit of Service* form that printed from I-CAN!. This step is necessary because it is part of the court order. Also, if you need to ask the court later to enforce an order in your divorce *Decree*, you need to show that your spouse knew about the order and disobeyed it for no good reason (called “contempt.”) Serving your spouse with a copy of the final divorce *Decree* helps you prove that your spouse knew about the order.

11. Using the *Certificate of Dissolution* form.

Once your divorce is final, you can get certified copies of the *Certificate of Dissolution* form you filed with the court. This form is proof of your divorce and any name changes, which may be accepted by other agencies who require such proof. It has far fewer pages than your final divorce *Decree* and much less personal information, which you may not want to share with others.

12. Other things you *might* have to do to after your divorce is final:

- **Name change:** If you changed your name in the divorce, you must change your name on your driver's license or I.D. card and Social Security card. These government agencies might accept a certified copy of your *Certificate of Dissolution* rather than your complete divorce *Decree*.
- **Pension or Benefits:** If the court awarded pension or medical benefits to you or your spouse, you may need to send a copy of the divorce *Decree* to the company or provider.
- **Real Estate:** If you or your spouse own real estate, you must file a certified copy of the *Decree* (or a shorter document called a *Summary Real Estate Disposition Judgment*) in the Office of the County Recorder or Registrar of Titles (for torrens property) in the county where the property is located.
- **Public Assistance:** If you or your spouse receive or have applied for public assistance, give a copy of the *Decree* to the County Support and Collections office. Include the case worker's name on a cover letter, and state in the letter that the papers are being served on the County Support and Collections because one of the parties in the divorce receives public assistance.
- **Income withholding for Support:** If your *Decree* orders you or your spouse to pay child support or spousal maintenance through income-withholding, contact your County Support and Collections office to start getting payments.

Get Ready for Court

Don't miss your hearing! If you miss it, you will not be divorced. Divorces with children that go forward by “default” or agreement generally require a hearing to finish the divorce, unless each person is represented by an attorney.

Be prepared:

- Get to court 30 minutes early and find your courtroom.
- Bring a copy of your *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree* form and copies of all other forms you filed with the court.
- When the courtroom is open, go in and tell the clerk or officer that you are present.
- Do not bring your children, unless the judge told you to do so.

When you are in court:

- Dress neatly. Do not wear shorts, tank tops or hats. Do not chew gum.
- Turn off your cell phone or pager.
- When your name is called, go to the front of the courtroom to present your case.

Present your case:

- Say your name and say that you are the Petitioner.
- Tell the Judge you and your spouse signed the *Stipulated Findings of Fact, Conclusions of Law, Order for Judgment, and Judgment and Decree*. If your spouse is at the hearing, tell the Judge your spouse is also there.
- Unless the Judge gives you other instructions, read your *Stipulated Findings of Fact* out loud, starting with paragraph 1. Stop when you get to the part called Conclusions of Law.

The judge may ask questions of the parties:

- Tell the truth. Speak slowly.
- Give complete answers. If you don't understand something, say, “I don't understand the question.”
- Speak only to the judge. If other people are talking to the judge, do not interrupt.